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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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ANDRE THOMAS,

Case No. 1:21-cv-01321-JLT (PC)

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Plaintiff,

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

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ENCINAS, et al.,

(Doc. 3)

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Defendants.

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Plaintiff requests the appointment of counsel to represent him in this action. (Doc. 3.)

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Plaintiffs do not have a constitutional right to appointed counsel in section 1983 actions, *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), and the Court cannot require an attorney to represent a party under 28 U.S.C. § 1915(e)(1), *see Mallard v. U.S. Dist. Court*, 490 U.S. 296, 304-05 (1989). However, in “exceptional circumstances,” the Court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). *Rand*, 113 F.3d at 1525.

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Given that the Court has no reasonable method of securing and compensating counsel, the Court will seek volunteer counsel only in extraordinary cases. In determining whether “exceptional circumstances exist, a district court must evaluate both the likelihood of success on the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved.” *Id.* (internal quotation marks and citations omitted).

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1 In the present case, the Court does not find the required exceptional circumstances. Even
2 if it is assumed that Plaintiff is not well versed in the law and has made serious allegations that, if
3 proven, would entitle him to relief, his case is not extraordinary. The Court is faced with similar
4 cases almost daily. In addition, at this stage in the proceedings, the Court cannot determine
5 whether Plaintiff is likely to succeed on the merits; and, based on a review of the records in this
6 case, the Court is unable to find that Plaintiff cannot adequately articulate his claims.
7 Accordingly, the Court DENIES Plaintiff's motion for the appointment of counsel without
8 prejudice.

IT IS SO ORDERED.

Dated: **September 2, 2021**

/s/ Jennifer L. Thurston

CHIEF UNITED STATES MAGISTRATE JUDGE